

AN ACT

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RELATING TO ECONOMIC DEVELOPMENT; CHANGING CERTAIN PROVISIONS OF
THE DEVELOPMENT TRAINING PROGRAM TO PERMIT USE OF TRAINING FUNDS
FOR PART-TIME EMPLOYEES AND TO PROVIDE FOR TRAINING FUNDS FOR FULL-
TIME-EQUIVALENT POSITIONS.

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BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. Section 21-19-7 NMSA 1978 (being Laws 1983, Chapter 299,
Section 1, as amended) is amended to read:

"21-19-7. DEVELOPMENT TRAINING.--

A. The economic development department shall establish a
development training program that provides quick-response classroom and in-plant
training to furnish qualified manpower resources for new or expanding industries and
non-retail service sector businesses in New Mexico that have business or production
procedures that require skills unique to those industries. Training shall be custom
designed for, and based on the special requirements of, each company. The program
shall be operated on a statewide basis and shall be designed to assist any area in
becoming more competitive economically.

B. There is created the "industrial training board" composed of:

- (1) the director of the economic development division of the
economic development department;
- (2) the director of the vocational education division of the state
department of public education;
- (3) the director of the job training division of the labor

department;

(4) the executive director of the commission on higher

education;

(5) one member from organized labor appointed by the

governor; and

(6) one public member from the business community appointed

by the governor.

C. The industrial training board shall establish policies and promulgate rules for the administration of appropriated funds and shall provide review and oversight to ensure that funds expended from the development training fund will generate business activity and give measurable growth to the economic base of New Mexico within the legal limits preserving the ecological state of New Mexico and its people.

D. Subject to the approval of the industrial training board, the economic development division of the economic development department shall:

(1) administer all funds allocated or appropriated for industrial development training purposes;

(2) provide designated training services;

(3) regulate, control and abandon any training program established under the provisions of this section;

(4) assist companies requesting training in the development of a training proposal to meet the companies' manpower needs;

(5) contract for the implementation of training programs;

(6) provide for training by educational institutions or by a

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company through in-plant training, at that company's request; and

(7) evaluate training efforts on a basis of performance standards set forth by the industrial training board.

E. The vocational education division of the state department of public education shall provide technical assistance to the economic development department concerning the development of agreements, the determination of the most appropriate instructional training to be provided and the review of training program implementation.

F. The state shall contract with a company or an educational institution to provide training or instructional services in accordance with the approved training proposal and within the following limitations:

(1) payment shall be made for up to one thousand forty hours of training per full-time-equivalent position; provided that no more than ten percent of the payments are for part-time positions;

(2) training applicants shall have resided within the state for a minimum of one year immediately prior to the commencement of the training program and be of legal status for employment; provided, however, that prior to July 1, 2004, the residency requirements may be waived in part for a project within a New Mexico community located within fifty miles of the state border if the project meets the following criteria:

(a) the project will employ more than one thousand five hundred employees;

(b) the resident labor force within a fifty-mile radius of the project location is not sufficient to fill the full-time-equivalent position requirements of the project as determined by the labor department;

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(c) preference for training shall be given to New Mexico residents; and

(d) no less than fifty percent of the project's work force shall be residents of New Mexico;

(3) payment for institutional classroom training shall be made pursuant to an accepted training contract for a qualified training program;

(4) payment shall not be made pursuant to an accepted training contract for rental of facilities unless facilities are not available on site or at the educational institution;

(5) all applicants shall be eligible under the federal Fair Labor Standards Act of 1938, as amended, and shall not have terminated a public school program within the past three months except by graduation;

(6) trainees shall be guaranteed employment with the contracted company upon successful completion of the training;

(7) persons employed to provide the instructional services shall be exempt from the minimum requirements established in the state plan for other state vocational programs; and

(8) payment shall not be made for training programs or production of Indian jewelry or imitation Indian jewelry unless a majority of those involved in the training program or production are of Indian descent.”

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